

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 L-03 AF-08 ARA-06 EA-07
NEA-10 FRB-03 OMB-01 ITC-01 SP-02 AGRE-00 AID-05
CIAE-00 COME-00 INR-07 LAB-04 NSAE-00 OIC-02 SIL-01
STR-04 TRSE-00 CIEP-01 CEA-01 INRE-00 USIE-00 OES-06
SS-15 NSC-05 SSO-00 NSCE-00 /125 R

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TO USMISSION USUN NEW YORK IMMEDIATE
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E.O11652: N/A

TAGS: EGEN, UNGA, UNCTAD

SUBJECT: 31ST UNGA: AGENDA ITEM 56 -- DRAFT RESOLUTION
ON UNCTAD IV

REF: STATE 297661

1. REFTEL AND PREVIOUS DATAFAX COMMUNICATIONS SET FORTH
U.S. POSITION REGARDING UNCTAD IV RESOLUTION ON SUBJECTS
OF CODE OF CONDUCT AND INDUSTRIAL PROPERTY. THESE ITEMS
APPEAR IN PARAGRAPHS 14 AND 15 OF THE LATEST PHILIPPINE
DRAFT OF THE RESOLUTION. USUN SHOULD TAKE THE FOLLOWING
POSITION ON THESE SUBJECTS:

-- (A) RESOLUTION 89(IV) WAS, LIKE MANY OTHER RESOLU-
TIONS, A COMPROMISE BETWEEN INITIAL STARTING POSITIONS
WHICH WERE FAR APART. CONSENSUS WAS FINALLY ACHIEVED
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BECAUSE EACH SIDE MADE COMPROMISES AND ONE OF THE EARLIEST

AND, TO THE U.S. DELEGATION, MOST IMPORTANT COMPROMISES ON BEHALF OF THE G-77 WAS ITS AGREEMENT TO DROP THE TERM "OF PLENIPOTENTIARIES" IN DESCRIBING THE NATURE OF THE U.N. CONFERENCE TO BE CALLED. IN OUR OPINION, A PLENIPOTENTIARY CONFERENCE WOULD UNAVOIDABLY PREJUDGE THE ULTIMATE DECISION AS TO THE LEGAL NATURE OF THE CODE OF CONDUCT BECAUSE, QUITE SIMPLY, YOU DO NOT CALL TOGETHER

PLENIPOTENTIARIES TO ADOPT A NON-TREATY DOCUMENT OR A U.N. RESOLUTION.

BASED UPON THE COMPROMISE REACHED IN NAIROBI, THE U.S. HAS WILLINGLY ENTERED INTO NEGOTIATIONS ON A CODE OF CONDUCT FOR THE TRANSFER OF TECHNOLOGY.

TO CHANGE THE TERMS OF REFERENCE OF THE U.N. CONFERENCE AT THIS POINT IS UNWARRANTED AND COULD HAVE SERIOUS IMPACT ON FURTHER U.S. PARTICIPATION IN NEGOTIATIONS ON THE CODE OF CONDUCT.

THEREFORE, IN ORDER TO AVOID ADVERSE EFFECTS ON AND EVEN POSSIBLE JEOPARDY OF THE UNCTAD CODE OF CONDUCT EXERCISE, IT IS OF THE UTMOST IMPORTANCE THAT USUN MAKE CLEAR THAT THE WORDS "OF PLENIPOTENTIARIES" WILL FORCE A "NO" VOTE ON THE PARAGRAPH AND A STRONG STATEMENT AND, EVEN MORE IMPORTANT, THROW INTO QUESTION U.S. PARTICIPATION IN THE CODE EXERCISE. USUN SHOULD MAKE EVERY EFFORT TO GATHER WEO SUPPORT FOR THIS POSITION, BUT MUST GO IT ALONE IF NECESSARY. IT SHOULD BE RECALLED THAT GROUP B WAS UNANIMOUS ON THIS POINT IN NAIROBI AND, IN GENEVA, CONTINUES TO BE AGAINST A TREATY IN THE TRANSFER OF TECHNOLOGY.

-- (B) WITH REGARD TO PARAGRAPH 15 ON INDUSTRIAL PROPERTY, YOU SHOULD TAKE THE POSITION CONTAINED IN THE DATAFAX FROM EDITH BRUCE OF DECEMBER 10. IF YOU ARE NOT ABLE TO ACHIEVE THE CHANGES INDICATED AND THERE IS A PARAGRAPH-BY-PARAGRAPH VOTE, YOU SHOULD VOTE "NO" ON THIS ITEM AS WELL. KISSINGER

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